

REMARKS

Favorable consideration and allowance are requested for claims 1-15 and 23-27 in view of the following remarks.

Statement Regarding Interview

As an initial matter, Examiner John S. Kim is thanked for the courtesies extended to Applicant's counsel during the personal interview of December 14, 2006. The substance of the interview is addressed in the Interview Summary and below.

Status of the Application

The amended filed April 5, 2006 was rejected under 35 U.S.C. § 132(a) for introducing new matter. Claims 1, 5, and 10 were rejected under 35 U.S.C. § 112, ¶ 1 for failing to comply with the written description requirement. Claims 6 and 14 were rejected under 35 U.S.C. § 103(a) for being unpatentable over US. Patent No. 6,248,236 to Hodgekins (the "Hodgekins patent") in view of U.S. Patent No. 6,045,693 to Miller *et al.* (the "Miller patent"). Claim 14 has been amended to correct a minor typographical error.

Rejection under 35 U.S.C. §§ 112, ¶ 1 and 135(a)

According to the Examiner, the amendment to claim 1 filed on April 5, 2006 is not supported by the specification, as there is no disclosure of "the first wall unbounded by the second wall." In response, Applicant asserts that Figures 2 and 4 illustrate a side wall 66 that is not connected in any manner with the cylindrical wall 60. *See also* Specification at ¶ 22 ("In the illustrated example, a

side wall 66 is arranged opposite the cylindrical wall 60 on the first side 44.”).

Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. §§ 112, ¶ 1 and 132(a) with respect to the amendment to claim 1 be withdrawn.

The Examiner also stated that the amendment to claim 5 filed on April 5, 2006 is not supported by the specification, as there is no disclosure of “the diverter extending along a longitudinal axis and the first wall offset radially from the longitudinal axis.” In response, Applicant asserts that Figures 1, 2, 4, and 5 illustrate the diverter extending longitudinally from a first side 44 to a second side 46. *See also* Specification at ¶ 20 (“A diverter 42 includes opening first 44 and second 46 sides”); ¶ 21 (“A hole 64 extends between the first 44 and second 46 sides”). Furthermore, Figures 2 and 3 illustrate the cylindrical wall being offset radially from the longitudinal axis of the assembly. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. §§ 112, ¶ 1 and 132(a) with respect to the amendment to claim 5 be withdrawn.

The Examiner further stated that the amendment to claim 10 filed on April 5, 2006 is not supported by the specification, as there is no “hole outside of the second wall.” In response, Applicant asserts that Figures 2 and 3 illustrate that the hole 64 between the first 44 and second 46 sides of the diverter 46 is outside the side wall 66. In other words, the hole is surrounded by the cylindrical wall 60, not the side wall 66. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. §§ 112, ¶ 1 and 132(a) with respect to the amendment to claim 10 be withdrawn.

Rejection under 35 U.S.C. § 103(a)

According to the Examiner, the Hodgekins patent discloses all the subject matter of claims 6 and 14, except for the central wall; the Examiner stated that it would have been obvious to modify the Hodgekins patent with the central wall disclosed in the Miller patent. In response, Applicant respectfully asserts that the Miller patent does not disclose a central wall. In particular, in the figure cited by the Examiner, Figure 16 of the Miller patent, element 146 is not a central wall that “facilitate[s] easier installation.” Rather, element 146 defines a “circumferentially arranged series of equally-spaced pockets . . . which are formed in the upper or top surface 144 of seal 132 [and] are provided for weight and material reduction.” Therefore, these pockets do not form a central wall that is used for engage with the end of the filter housing. For at least this reason, Applicant respectfully submits that the rejection of claims 6 and 14 be withdrawn.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #102513.57840US).

Respectfully submitted,

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